

**MINUTES OF THE MILLVILLE
TOWN COUNCIL WORKSHOP
August 27, 2019 (7:00 p.m.)**

In attendance were Mayor Steve Maneri, Treasurer Peter Michel, Secretary Ronald Belinko, Town Manager Debbie Botchie, Town Clerk Matt Amerling, and GMB Representative Andrew Lyons Jr. Council Member Sharon Brienza was absent.

1. CALL TO ORDER

Mayor Maneri called the meeting to order at 7:00 p.m.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

Mayor Maneri led the pledge of allegiance.

3. ROLL CALL

All Council members were present, but Council Member Sharon Brienza was absent.

4. OLD BUSINESS

- A.** Discuss and possible vote on contract with awarded contractor The Whayland Company for the Town park *Synopsis*: At the June 25, 2019, and July 23, 2019, Town Council Workshop meetings, Council chose particular deduct alternatives for the park and park buildings.

GMB Representative Andrew Lyons Jr. stated he has reviewed the contract and all the value engineering items have been included. Secretary Ronald Belinko stated looking this over, he thinks Council did a nice job of narrowing down items without compromising the quality and aesthetic of the buildings, as well as not compromising the integrity of the project. Treasurer Peter Michel stated the document presented tonight was easy to read and Council saved the Town a lot of money.

Mr. Belinko motioned to approve the contract with The Whayland Company for the Town park. Mr. Michel seconded the motion. Motion carried 3-0.

5. NEW BUSINESS

- A.** Discuss and possible vote on Ordinance 20-01, which will amend the Town Code at Chapter 72, entitled "Construction Hours."

Mr. Michel stated this ordinance was well done and easy to read, and Mr. Michel agrees with everything within the proposed ordinance. Mr. Michel stated he went out in his community and there are approximately ninety-eight (98) homes which back up to new communities under construction such as Bishop's Landing 2, Parkside, and the Town park, so this was a good job. Mr. Belinko stated he thinks this ordinance was needed considering the growth of the area, which isn't slowing down, and how communities are infringing on each other. Mr. Belinko stated the construction is affecting the quality of life for neighboring developments of people, and Mr. Belinko knows first-hand he witnessed workers on Sunday morning, which shouldn't be happening. Town Manager Debbie Botchie asked if Mr. Belinko notified the Town Code & Building Official after witnessing the work on Sunday. Mr. Belinko stated yes, he sent photos to

the Town Code & Building Official. Ms. Botchie stated this ordinance changes the construction time from ending at 7 p.m. to 6 p.m. during the week, and changing the end time on Saturdays from 5 p.m. to 4 p.m. Ms. Botchie stated the old ordinance allowed for any kind of infrastructure to go twenty-four (24) hours a day, seven (7) days a week (24/7), which became an ordinance under a former mayor “many moons ago” when there were no houses surrounding a new development such as Millville by the Sea (MBTS). Ms. Botchie stated this ordinance amends that statute so the infrastructure can only happen like that now with the Town’s approve on a case-by-case basis. Ms. Botchie stated instead of generators running all night, this will help subside those cases from happening. Mayor Maneri asked if this ordinance will affect the de-watering pumps running, which have received prior complaints. Mr. Andrew Lyons Jr., of GMB, stated the de-watering pumps will depend on where and why they’re running, but most likely they’ll still be running, because if you shut down those kinds of pumps, the water simply comes all back.

Mr. Belinko motioned to approve Ordinance 20-01. Mr. Michel seconded the motion. Motion carried 3-0.

B. Discuss and possible vote on Ordinance 20-02, which will amend the Town Code at Chapter 111, entitled “Property Maintenance.”

Ms. Botchie stated this Code was amended months ago but there was a request by a resident for Council to go back and take a look at trash bags versus a trash container; and Council asked Ms. Botchie to clarify what a trash container was. Ms. Botchie stated she has made that distinction in this ordinance. Ms. Botchie stated before she even started drafting this ordinance, she individually asked Mr. Michel, Mayor Maneri, Council Member Sharon Brienza, and Mr. Belinko if any of them wanted trash bags to be allowed on the sidewalks, and every Council member said no. Ms. Botchie stated, also in this amendment, she looked at nuisances, the detrimental objects, and found the current ordinance was very antiquated; so Ms. Botchie is requesting to strike the ordinance as it stands and accept what Ms. Botchie has replaced it with. Ms. Botchie stated there was one section on page eleven (11), under subsection 111-10 about “failure of property owner to remedy; action by Town,” the Mayor then thought if the Town has to go out and cut the grass, remove weeds, etc., it stated the Town Council would determine what the cost would be, but now the cost will be what the contractor the Town Manager hires has quoted to the Town. Ms. Botchie stated Town Solicitor Seth Thompson could not be in attendance tonight but he has reviewed this ordinance and approves of it. Mayor Maneri allowed comments from the audience.

Ms. Valerie Faden, of Beach Plum Drive, asked if this ordinance applies to recycling bins or recyclables. Ms. Botchie stated it does not apply to recyclables. Ms. Faden asked if this ordinance fines the homeowner, property manager, and homeowners association (HOA) in event of a violation. Ms. Botchie stated no, it doesn’t fine, it notifies. Ms. Faden asked if only the homeowner is fined. Ms. Botchie stated yes. Ms. Faden asked for clarification of the amount the homeowner is fined. Ms. Botchie stated the first offense is ninety-nine dollars (\$99.00), and every offense after that is two-hundred-fifty dollars (\$250.00). Ms. Faden stated she thought she saw something with a range of fifty dollars (\$50.00) to ninety-nine dollars (\$99.00). Ms. Botchie stated that pricing is not in Town Code but in the International Property Code. Ms. Faden stated she knows some other Villas at Cedar Cove residents submitted comments to Town prior to tonight’s meeting and to reiterate, Cedar Cove residents would like

Council to consider an exception to this ordinance for private uniform-planned communities consisting of fewer than one-hundred (100) units and which don't have a dumpster and don't have any community sidewalks or trash containers visible from public streets or roads, such as the Villas at Cedar Cove. Ms. Faden stated their community is less than fifty percent (50%) occupied year-round, and the people who use the residences on weekends are not present to put away a trash container, so for over twelve (12) years, Cedar Cove has used the bags at curbside with no issue and, to Ms. Faden's knowledge, no complaints. Ms. Faden stated there are also seasonal renters who are not present to put away trash containers after the trash is picked up during the week. Ms. Faden asked audience members present to raise their hands if they are in agreement; approximately six (6) Villas at Cedar Cove residents raised their hands.

Mr. Glen Faden, of Beach Plum Drive, stated he thinks when Cedar Cove residents do put out the construction-grade heavy-duty bags, the bags are usually put on the driveway access and not the sidewalk, so it's not impeding or blocking the sidewalk.

Mr. Ronald Lips, of Juniper Court, stated for the past eight (8) years, he's taken it upon himself to take care of the dog clean-up stations and there are heavy-duty bags used for dog waste because renters and others don't like the smell. Mr. Lips stated with this new ordinance, it makes it so the dog waste bags will have to go in a container and Mr. Lips doesn't like having to put a bag "of that nature" into someone's trash can.

Mr. Dave Moeller, of Blue Heron Drive, stated Council knows Mr. Moeller is often out picking up trash and he's personally glad to see this ordinance. Mr. Moeller stated he doesn't know if any fines have or have not been issued but anything the Town can do in terms of controlling the litter is going to be an incremental step to help clean up the Town. Mr. Moeller stated he hates to see the trash bags out and he'd hate for there to be another opportunity to create more litter in the case of someone hitting the bag or trash somehow gets out and spreads; so this is a step in the right direction.

Mayor Maneri stated he has a few pictures and in one of the pictures, there is one (1) bag which is right in the driveway access, but, with the other pictures, there are a few bags which are not. Mayor Maneri stated one bag is in the gutter, and one is ripped open. Mayor Maneri stated he understands these are heavy-duty bags, but an animal's claws can open those bags. Mr. Faden stated there have been one or two instances over the years but, because they are a tight-knit community, they have generally cleaned up if they've seen any open bags. Mr. Faden stated he doesn't think any trash from an opened bag has strewn all over the community, and the only trash strewn throughout Cedar Cove is from the (Giant Food) town center as well as from the trash dumpsters behind Hooked Up. Mayor Maneri stated he understands the residents were looking at the exception being communities with one-hundred (100) homes, but the Town has nine (9) communities which fit in that description. Mayor Maneri stated there is another community which has one-hundred-two (102) homes, so what makes anyone think those residents will not come in and say "it's only two (2) more homes?" Mayor Maneri stated Council has to look at the whole Town in regards to this and, since this is not a public hearing, Mayor Maneri is ready to vote on the ordinance. Mayor Maneri asked Council if they had any further questions on this ordinance.

Mr. Michel motioned to approve Ordinance 20-02. Mr. Belinko seconded the motion. Motion carried 3-0.

6. CITIZENS' PRIVILEGE

Ms. Valerie Faden, of Beach Plum Drive, stated she would have proposed (with Ordinance 20-02) was reducing the number from one-hundred (100) to seventy-five (75) homes or a lower number which would have been more acceptable to Council.

Mr. Dave Moeller, of Blue Heron Drive, stated, regarding Ms. Faden's number of seventy-five (75), he still sees that as a "slippery slope" because anyone else may ask why not eighty (80) or eighty-five (85) or ninety (90)? Ms. Faden stated a "one size fits all" may not always be the best way. Treasurer Peter Michel stated where he lives in Bishop's Landing, there are four-hundred-thirty-four (434) homes and they already have a problem with bags being out, and there are four-hundred (400) more homes across the street (Bishop's Landing 2), as well as Parkside coming in, and Council has to look at the entire Town.

Mr. Ronald Lips, of Juniper Court, stated his feeling is there is also an issue with trash and debris from litterbugs, and he feels the Town and its Council need to have a litter campaign by having signs put up and/or an ordinance to say it's against the law to litter, with fines posted. Mayor Maneri stated the Town is already looking into signage as well as a litter ordinance. Mr. Lips stated there is also the sights of bird poop on almost every retail doorway along the Giant Food town center, and it's not being cleaned up. Mr. Lips stated he noticed a dead bird lying nearby and waited to see if anyone from the stores or property maintenance would pick it up, but it sat there for weeks and weeks. Mr. Lips stated he also noticed piles and piles of cigarette butts in one spot near a business, no one's cleaned them up, and there's got to be a better way to dispose of the butts. Mayor Maneri stated the Town is looking into the signs, the Town will be looking into some kind of ordinance to hold these property owners and commercial owners accountable for their litter problems. Mr. Lips stated he knows Hooked Up has listened to his plea and worked to improve, but Giant Food has not.

Mr. Belinko stated, regarding the trash, this problem is not distinctive to the Villas at Cedar Cove, and it's not distinctive to Millville, but it's a statewide problem and the legislative is trying to "put in more teeth" to stop illegal dumping, littering along the highway, and the main problem is unless you see someone tossing trash out there, it's almost impossible to enforce. Mr. Belinko stated we are in a resort area and he's seen people walking into public restrooms at a park and throwing their trash in the trash bins there. Mr. Belinko stated, walking through his own neighborhood this morning, he was picking up things from folks who were visiting or renting and it's not their place. Mr. Belinko stated he agrees with what's being said tonight but the Town can harp on it as much we like, but the onus falls on everyone, even those who don't live here year-round, and this time of year, unfortunately, is when the littering peaks. Mr. Belinko stated he's seen Mr. Moeller on Sunday morning out, collecting trash, after a Saturday night. Mr. Belinko stated this ordinance (20-02) is a step in the right direction, and everyone's not going to be pleased with it, but Mr. Belinko lives in a dumpster community and most people – including Mr. Belinko – are voting to get the dumpsters out of the community because it's a problem, but they will have the same issue of having to help out neighbors with making sure trash containers are put away. Mr. Belinko stated he has heard everyone tonight "loud and clear" but he and everyone has to share in this problem and do a job to correct it.

7. ANNOUNCEMENT OF NEXT MEETING –TOWN COUNCIL MEETING, TUESDAY,

SEPTEMBER 10, 2019

8. ADJOURNMENT

Mr. Michel motioned to adjourn at 7:25 p.m. Mr. Belinko seconded the motion. Motion carried 3-0.

Respectfully submitted,
Matt Amerling, Town Clerk